

**CITY COUNCIL MEETING
JANUARY 6, 2004**

Date & Time On the 6th day of January, A.D., 2004, the City Council of the City of Fort Worth, Texas, met in regular session at 7:00 pm in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:

Attendance Mayor Mike Moncrief; Mayor Pro tempore Ralph McCloud; Council Members Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, John Stevenson, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. Council Member Jim Lane was absent. With more than a quorum present, the following business was transacted:

Invocation The invocation was given by T. J. Patterson, Law Department.

Pledge The Pledge of Allegiance was recited.

Minutes On motion of Council Member Silcox, seconded by Council Member Stevenson, the minutes of the regular meeting of December 16, 2003, were approved unanimously.

Special Presentations Council Member Moss presented Certificates of Recognition to the following former Board and Commission members:

Kim Dignum	Fort Worth Commission for Women
Michelle Dippel	Building Standards Commission
Dennis Dunkins	Aviation Advisory Board
Gloria Reed-Austin	City Plan Commission
Quincy L. Taylor	City Zoning Commission

Announcements Council Member Picht referenced an article in the Fort Worth Star-Telegram entitled "Do We Have Too Many Choices?" relative to the City's current trash collection system.

Council Member Moss announced that he had filed as a candidate for Tarrant County Commissioner for Precinct #1. He stated that he would still be very active in District 5 and would support the passage of the Bond proposal.

Mayor Pro tempore McCloud announced that on January 24, 2004 from 8:30 a.m. to 1:30 p.m., the Women 2004 "Healthy, Wealthy, and Wise" forum. He also stated that Fort Worth was recognized by the National League of Cities for its commitment to the City's Challenge for Early Childhood Success.

**CITY COUNCIL MEETING
FORT WORTH, TEXAS
JANUARY 6, 2004
PAGE 2 of 20**

Withdrawn from Consent Agenda	<p>City Manager Jackson requested that Mayor and Council Communication No. PZ-2516 be withdrawn from the consent agenda.</p> <p>Council Member Davis requested that Mayor and Council Communication No. PZ-2517 be withdrawn from the consent agenda.</p> <p>Council Member Silcox requested that Mayor and Council Communication No. P-9898 be withdrawn from the consent agenda.</p>
Continued/ Withdrawn By Staff	<p>City Manager Jackson requested that Mayor and Council Communication No. PZ-2516 be continued for one week.</p>
Consent Agenda	<p>On motion of Council Member Silcox, seconded by Council Member Davis, the consent agenda, as amended, was adopted unanimously.</p>
Appointments	<p>Council Member Moss made a motion, seconded by Council Member Stevenson, to appoint Maurice Barnes to the City Zoning Commission, Fort Worth Alliance Airport Zoning Commission, and Scenic Preservation and Design Review Commission Place 5 effective January 6, 2004 and with a term expiring October 1, 2005. The motion carried unanimously.</p> <p>Council Member Silcox made a motion, seconded by Mayor Pro tempore McCloud, to appoint Teresa K. Nelson to the Fort Worth Commission for Women Place 3 effective January 6, 2004 and with a term expiring October 1, 2005. The motion carried unanimously.</p>
OCS-1392 Claims	<p>There was presented Mayor and Council Communication No. OCS-1392 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.</p>
G-14211 Street Closure of W.R. Watt Drive, Burnett-Tandy Drive, Gendy Street, & Trinity Park Drive for 2004 Southwestern Exposition & Livestock Show	<p>There was presented Mayor and Council Communication No. G-14211 from the City Manager recommending that the City Council approve the request of the Southwestern Exposition and Livestock Show to temporarily close the following streets beginning Monday, January 12, through Monday, February 9, 2004:</p> <p style="padding-left: 40px;">W.R. Watt Drive, from Harley Avenue to Burnett-Tandy Drive; and</p> <p style="padding-left: 40px;">Burnett-Tandy Drive, west to Gendy Street; and</p> <p style="padding-left: 40px;">Gendy Street, from Burnett-Tandy Drive north to Lancaster Avenue; and</p>

Trinity Park Drive, from University Drive to Crestline Road
(January 22, 26, 28 and February 3, 2004).

It was the consensus of the City Council that the recommendation be adopted.

**G-14212
Ord. #15809
Grant
Applications to
NCTCOG for
Environmental
Projects**

There was presented Mayor and Council Communication No. G-14212 from the City Manager recommending that the City Council:

1. Authorize the City Manager to submit the following grant applications to the North Central Texas Council of Governments (NCTCOG) for the purpose of funding projects in the Environmental Management Department in the following amounts:
 - a) Environmental Collection Center Disposal and Supply Deferment - \$165,000.00;
 - b) "Recycling Right" Education Program - \$52,000.00;
 - c) Illegal Dumping Community Cleanup - \$12,500.00;
 - d) Master Composter Training Program - \$9,950.00;
 - e) Handheld Ticket System for Code Officers - \$27,495.00;
 - f) Reduce Illegal Dumping - \$11,017.00;
 - g) Illegal Dumping Surveillance - \$19,819.00;
 - h) Labor Detail Transportation - \$41,982.00;
 - i) Drop-off Station Equipment and Promotion - \$236,420.00;
 - j) Refrigerant (Freon) Extraction Units - \$10,338.00;
 - k) Self Injector Needle Disposal and Education Outreach Program - \$7,500.00;
 - l) Multi-Family and Commercial Sector Solid Waste Management and Action Plan - \$132,559.00;
 - m) Solid Waste Violation Deferred Adjudication Program - \$26,400.00; and
 - n) Bottle Bounty Program - \$233,793.00.
2. Authorize the City Manager to accept and execute the NCTCOG grant contracts, if awarded; and
3. Authorize the use of \$20,964.00, \$19,504.00, and \$3,232.00 in cash and in-kind personnel services, respectively, from the Environmental Management, Solid Waste and General Funds as matching funds for these grants; and

- 4. Adopt Appropriation Ordinance No. 15809 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$1,030,473.00 subject to receipt of grants from the North Central Texas Council of Governments, for the purpose of funding projects in the Environmental Management Department.**

It was the consensus of the City Council that the recommendation be adopted.

**G-14213
Semi-Annual
Impact Fees
Progress Report
of Water &
Wastewater CIP**

There was presented Mayor and Council Communication No. G-14213 from the City Manager recommending that the City Council adopt the Citizen Advisory Committee's Semi-Annual Progress Report concerning the status of the Water and Wastewater Impact Fee. It was the consensus of the City Council that the recommendation be adopted.

**G-14214
Delayed Until
After Zoning
Docket No.
ZC-03-319**

City Manager Jackson stated that staff had requested that Council action relative to G-14214, Designation of the Berry/University Area as a Neighborhood Empowerment Zone and Fort Worth Neighborhood Empowerment Reinvestment Zone, be delayed until after Zoning Docket No. ZC-03-319, the associated zoning case.

**G-14215
Res. #3028
File Lawsuit
Against Douglas
Glenn Mitchell
Pursuant to
Chapter 54 of
Texas Local
Government
Code**

There was presented Mayor and Council Communication No. G-14215 from the City Manager recommending that the City Council:

- 1. Authorize the City Attorney to file a lawsuit pursuant to Chapter 54 of the Texas Local Government Code against Douglas Glenn Mitchell, the occupant of property located at 2803 Lena Street, Fort Worth, Texas; and**
- 2. Adopt Resolution No. 3028 authorizing the City Attorney to file a lawsuit against Douglas Glenn Mitchell pursuant to Chapter 54 of the Texas Local Government Code.**

City Attorney Yett stated that paragraph 3 of the Discussion section on the M&C needed to be amended to reflect "B" Two-Family Zoning Districts" instead of "Z" Two-Family Zoning Districts.

Regina J. Blair

Ms. Regina J. Blair, 2701 Lena Street, appeared before Council in support of the lawsuit.

Council Member Moss made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted as amended. The motion carried unanimously.

**G-14216
Res. #3029
Submit a Letter to
Texas
Department of
Transportation
Requesting
Approval to Keep
Trucks, Truck
Tractors & Road
Tractor Traffic on
Portions of
Interstate
Highway 30**

There was presented Mayor and Council Communication No. G-14216 from the City Manager recommending that the City Council authorize the City Manager to submit a letter to the Texas Department of Transportation on behalf of the City of Fort Worth describing the proposed restrictions to keep trucks, truck tractors, and road tractor traffic in the two lanes furthest to the right on portions of Interstate Highway 30.

City Manager Jackson stated that the Recommendation section of the M&C needed to be amended to insert "...approve the resolution and..." after "Council".

Council Member Davis made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. G-14216 be adopted, as amended, approving Resolution No. 3029. The motion carried unanimously.

**P-9896
Temporary
Employment
Services**

There was presented Mayor and Council Communication No. P-9896 from the City Manager recommending that the City Council:

1. Authorize a purchase agreement with Tolman Building Maintenance for temporary employment services for manual laborers for the Public Events Department, Convention Center and Will Rogers Memorial Center, based on the overall low bid meeting specifications with payment due 30 days from the date of the invoice; and
2. Authorize this agreement to begin February 2, 2004, and expire February 1, 2005, with options to renew for two additional one-year periods; and
3. Authorize the City Manager to execute Interlocal Agreements allowing other public entities to participate in this bid award in accordance with the Texas Government Code, Section 791, "The Interlocal Cooperation Act".

It was the consensus of the City Council that the recommendation be adopted.

**P-9897
Armored Car
Services**

There was presented Mayor and Council Communication No. P-9897 from the City Manager recommending that the City Council:

- 1. Authorize a purchase agreement with Loomis Fargo and Company for armored car services for the City of Fort Worth based on the overall low bid meeting specifications with payment due 30 days from the date of the invoice; and**
- 2. Authorize this agreement to begin February 16, 2004, and expire February 15, 2005, with options to renew for two additional one-year periods; and**
- 3. Authorize the City Manager to execute Interlocal Agreements allowing other public entitles to participate in this bid award in accordance with the Texas Government Code, Section 791, "The Interlocal Cooperation Act".**

It was the consensus of the City Council that the recommendation be adopted.

**P-9898
Unarmed
Security Guard
Services**

There was presented Mayor and Council Communication No. P-9898 from the City Manager recommending that the City Council:

- 1. Authorize a purchase agreement with Texas Star Security Waco, Inc. for unarmed security guard services for the City of Fort Worth based on the low bid meeting specifications with payment due 30 days from the date of the invoice; and**
- 2. Authorize this agreement to begin February 2, 2004, and expire February 1, 2005, with options to renew for two additional one-year periods; and**
- 3. Authorize the City Manager to execute Interlocal Agreements allowing other public entitles to participate in this bid award in accordance with the Texas Government Code, Section 791, "The Interlocal Cooperation Act".**

Council Member Haskin made a motion, seconded by Mayor Pro tempore McCloud, that Mayor and Council Communication No. P-9898 be adopted. The motion carried by the following vote:

**AYES: Mayor Moncrief; Mayor Pro tempore McCloud;
Council Members Haskin, Moss, Picht,
Stevenson, and Davis**

NOES: Council Member Silcox

ABSENT: Council Member Lane

**P-9899
Plumbing Repair
Service & Parts**

There was presented Mayor and Council Communication No. P-9899 from the City Manager recommending that the City Council:

1. Authorize a non-exclusive purchase agreement for plumbing repair service and parts with multiple vendors for the City of Fort Worth based on hourly rates and parts discounts, with payments due 30 days from the date of the invoice; and
2. Authorize this agreement to begin January 6, 2004, and expire January 5, 2005, with options to renew for two additional one-year periods; and
3. Authorize the City Manager to execute Interlocal Agreements allowing other public entities to participate in this bid award in accordance with the Texas Government Code, Section 791, "The Interlocal Cooperation Act".

It was the consensus of the City Council that the recommendation be adopted.

**L-13730
Sanitary Sewer
Easement &
Construction
Easement**

There was presented Mayor and Council Communication No. L-13730 from the City Manager recommending that the City Council:

1. Declare the necessity of taking an interest for easement rights in a parcel of land for the condemnation of one permanent sanitary sewer easement and one temporary construction easement in east Fort Worth from Cristina R. Aseron for construction of the Main 244A Parallel Relief Sewer Project (DOE 3295) from US180 (Lancaster Avenue) to the Village Creek Wastewater Treatment Plant; and
2. Authorize the City Attorney to institute condemnation proceedings to acquire the interest in the land.

It was the consensus of the City Council that the recommendation be adopted.

**L-13731
Utility Easement**

There was presented Mayor and Council Communication No. L-13731 from the City Manager recommending that the City Council approve the acceptance of one permanent utility easement described as A-1849, Alexander F. Albright Survey, Tarrant County, Texas from Barham & Harris Development One, L.P. in the Parkview Hills, Phase II Addition (DOE 4128) for a cost of \$1.00. It was the consensus of the City Council that the recommendation be adopted.

- L-13732
Right-of-Way &
Slope Easement** There was presented Mayor and Council Communication No. L-13732 from the City Manager recommending that the City Council authorize the City Manager to approve the conveyance of three right-of-way parcels (ROW) and a permanent slope easement described as A-999, William McCowan Survey, Tarrant County, Texas to the Texas Department of Transportation for property located along the east side of IH-35W near the existing ROW of North Tarrant Parkway for the construction of the interchange at North Tarrant Parkway from IH-35W to US377 (DOE 4014) (Project No. 0081-12-036) for a total amount of \$4.00, plus closing costs. It was the consensus of the City Council that the recommendation be adopted.
- L-13733
Septic Drain
Field** There was presented Mayor and Council Communication No. L-13733 from the City Manager recommending that the City Council authorize approval of a septic drain field license agreement with Carol T. Miner for City-owned Lake Worth property located across the road from 4065 Peninsula Club Circle, Lot 28, Block 19 for a term of five years expiring on January 31, 2008, with one option to extend the agreement for another five-year term for an annual rate of \$280.00. It was the consensus of the City Council that the recommendation be adopted.
- L-13734
Water Main
Easement &
Construction
Easement** There was presented Mayor and Council Communication No. L-13734 from the City Manager recommending that the City Council approve the acquisition of one permanent water main easement and one temporary construction easement described as part of the David Odum Survey, Abstract No. 1184 from Fort Worth Northbrook, Ltd., a Texas Limited Partnership for property located east of Blue Mound Road and north of Loop 820 (DOE 4088) necessary for the construction, maintenance, and operation of the Northside II water transmission main between McCandless Street and the Cantrell-Sampson pump station for \$82,000.00, plus closing costs. It was the consensus of the City Council that the recommendation be adopted.
- L-13735
Utility Easement** There was presented Mayor and Council Communication No. L-13735 from the City Manager recommending that the City Council approve the acceptance of one permanent utility easement (PUE) described as portion of the Peterson Pate Survey, Abstract No. 1202 from J.C. Penney Properties, Inc. and one PUE from Eversan Limited Partnership and Sansteve Trust for property located in the Ridgmar Mall Addition (DOE 3862) necessary for the construction, operation, maintenance, and repair of a sanitary sewer line to serve the Ridgmar Cinemark Theater for a total cost of \$2.00. It was the consensus of the City Council that the recommendation be adopted.

**L-13736
Sanitary Sewer
Easement**

There was presented Mayor and Council Communication No. L-13736 from the City Manager recommending that the City Council approve the acceptance of one permanent sanitary sewer easement described as A-1262, A.S. Roberts Survey, Tarrant County, Texas from Mike Sandlin Companies, Inc. for property located west of W.J. Boaz Road and Elkins School Road (DOE 4011) needed for future development for the Innisbrook Place, Phase I Addition for a cost of \$1.00. It was the consensus of the City Council that the recommendation be adopted.

**L-13737
Sanitary Sewer
Easement &
Construction
Easement**

There was presented Mayor and Council Communication No. L-13737 from the City Manager recommending that the City Council approve the acceptance of one permanent sanitary sewer easement and one temporary construction easement described as Lot 17, Block 2-A-R, Jinkens Heights Addition, Tarrant County, Texas, located at 6208 Loydhill Lane from Thomas E. Trantham (DOE 4297) for the Boat Club Plaza project needed for the purpose of constructing, replacing, upgrading, repairing, and maintaining a sanitary sewer line for property located west of Boat Club Road and south of Ivy Hill Road for a cost of \$1.00. It was the consensus of the City Council that the recommendation be adopted.

**L-13738
Water Line
Easements**

There was presented Mayor and Council Communication No. L-13738 from the City Manager recommending that the City Council authorize the City Manager to accept two permanent water line easements described as part of John Hibbins Survey, Abstract No. 638, Tarrant County, Texas from Oncor Electric Delivery Company for the construction of a variable width water main in Northwest Tarrant County, Northside II Water Main Extension, Phase II (DOE 4088) between North Main Street and Blue Mound Road for a total cost of \$20.00. Council Member Davis made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

**PZ-2515
Continued for
One Week**

There was presented Mayor and Council Communication No. PZ-2515 from the City Manager recommending that the City Council approve a resolution closing a portion of Collinwood Avenue between the northeast corner of Lot 15, Block 68, and the southeast corner of Lot 26, Block 40, of the Chamberlin Arlington Heights Addition located along the west right-of-way line of the north-south alley, at its intersection with the easterly terminus of Collinwood Avenue.

Mr. Bob Riley, Development Department Director, stated that staff had received a letter from the lawyer representing the applicants of this street closure requesting this item be continued for one week.

Council Member Stevenson asked that all parties relative to this closure make every effort to communicate with each other and bring this issue to a closure.

Council Member Stevenson made a motion, seconded by Council Member Silcox, that the recommendation be continued for one week. The motion carried unanimously.

**PZ-2516
Continued for
One Week**

It was the consensus of the City Council that Mayor and Council Communication No. PZ-2516, Establishing a Timetable for Proposed Voluntary Annexation of Approximately 105 Acres of Land located North of Park Drive, South of Bonds Ranch Road, East of Boat Club Road, and West of Business Highway 287 in Tarrant County, Texas (Lago Vista at Bonds Ranch) (Annexation Case No. AX-04-01), be continued for one week.

**PZ-2517
Ord. #15810
Vacate 12-Foot
Wide Alley
Projecting 207
Feet North of
West Berry
Street
(VA-03-030)**

There was presented Mayor and Council Communication No. PZ-2517 from the City Manager recommending that the City Council adopt Ordinance No. 15810 vacating a portion of a 12-foot wide by 207-foot long alley projecting north of West Berry Street, and located between Lot Nos. 1 through 4, and Lot Nos. 10 through 14, in Block 13, of Forest Park Addition, Fort Worth, Texas, as situated in the W. Hudson Survey, Abstract No. 717.

Bob Rocket

Mr. Bob Rocket, 307 W. Seventh Street, an attorney representing Beverly Perrotti, appeared before Council in opposition of this issue. He stated that the Perrotti family had owned the business on this property for 16 years and that the alley provided access to their business for delivery trucks. He added that his clients were not opposed to the development, just the abandonment of the alley. He asked that Council continue this issue for 30 days to allow more discussion with the developers of this property.

Jim Dunaway

Mr. Jim Dunaway, 777 Taylor Street Suite 2040, representing the developer, appeared before Council in support of this issue. He stated that the alley must be vacated in order for the project to progress. He outlined the two access points proposed for deliveries to the Perrotti's business.

**Sandra Dennehy
Jim Johnson**

Ms. Sandra S. Dennehy, 3124 College Avenue, President, Berry Street Initiative, and Mr. Jim Johnson, 3224 Rogers, Berry Street Initiative Board Member, appeared before Council in support of this issue.

Mr. Rocket provided rebuttal stating that his clients were very concerned with how this project would affect them. He further stated that they had not seen any legal binding document that would preserve access to their business and asked that this issue either be continued for 30 days or that Council not adopt the ordinance.

Council Member Davis made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. PZ-2517 be adopted, as amended, by adding the following language: "The vacation of the alley is conditioned on the filing of two perpetual easements in the Tarrant County Deed Records in form and content acceptable to the City providing access to Lot 5, Block 13 and the acceptance by the City of the replat of the property indicating the location of the two perpetual easements". The motion carried by the following vote:

AYES: Mayor Moncrief; Mayor Pro tempore McCloud;
Council Members Silcox, Haskin, Moss,
Stevenson, and Davis

NOES: Council Member Picht

ABSENT: Council Member Lane

**C-19915
PPC Firestone
Limited
Partnership**

There was presented Mayor and Council Communication No. C-19915 from the City Manager recommending that the City Council authorize the City Manager to enter into a consent agreement with PPC Firestone Limited Partnership authorizing use of the right-of-way for encroachments in the right-of-way for the Firestone Square project in the 1000 block of West 7th Street. It was the consensus of the City Council that the recommendation be adopted.

**C-19916
Jamail
Construction
Company, Inc.**

There was presented Mayor and Council Communication No. C-19916 from the City Manager recommending that the City Council:

1. Authorize the execution of a contract with Jamail Construction Company, Inc. for construction services for minor construction and renovation projects. Prices will be based on an existing Texas Local Government Cooperative, BuyBoard contract as follows:
 - a) 18% discount off of R.S. Means Construction Pricing Guide for normal hours; and
 - b) 15% discount off of R.S. Means Construction Pricing Guide for other than normal hours.

- 2. Authorize the contract to begin January 6, 2004, and expire September 30, 2004, with options to renew for four additional one-year periods; and**
- 3. Authorize the maximum value of any individual purchase order to be \$200,000.00. The aggregate amount Council of purchase orders in an individual year will not exceed \$1,000,000.00 without authorization from the City Council. A Mayor and Council Communication will be required for any purchase order exceeding \$25,000.00.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19917
Sutton &
Associates, L.P.**

There was presented Mayor and Council Communication No. C-19917 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Sutton & Associates, L.P in the amount of \$156,687.50 for Surface Wedge Milling (2004-3) at various locations for one year. It was the consensus of the City Council that the recommendation be adopted.

**C-19918
Ord. #15811
AUI Contractors,
L.P.**

There was presented Mayor and Council Communication No. C-19918 from the City Manager recommending that the City Council:

- 1. Authorize the transfer of \$425,055.45 from the Water and Sewer Fund to the Sewer Capital Project Fund; and**
- 2. Adopt Appropriation Ordinance No. 15811 increasing estimated receipts and appropriations in the Sewer Capital Project Fund in the amount of \$425,055.45 from available funds for the purpose of funding a contract with AUI Contractors, L.P. for Sanitary Sewer Rehabilitation Contract LXII (62), Unit 2.**
- 3. Authorize the City Manager to execute a contract with AUI Contractors, L.P. in the amount of \$379,055.45 for Sanitary Sewer Rehabilitation and Improvements Contract LXII (62), Unit 2.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19919
Ord. #15812
Rainier
Construction
Company**

There was presented Mayor and Council Communication No. C-19919 from the City Manager recommending that the City Council:

- 1. Authorize the transfer of \$721,638.25 from the Water and Sewer Fund to the Sewer Capital Project Fund; and**
- 2. Adopt Appropriation Ordinance No. 15812 increasing estimated receipts and appropriations in the Sewer Capital Project Fund in the amount of \$721,638.25 from available funds for the purpose of funding a contract with Rainier Construction Company for Sanitary Sewer Rehabilitation Contract LXII (62), Units 1 and 3.**
- 3. Authorize the City Manager to execute a contract with Rainier Construction Company in the amount of \$642,638.25 for Sanitary Sewer Rehabilitation and Improvements Contract LXII (62), Units 1 and 3.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19920
Ord. #15813
BDS
Technologies,
Inc.**

There was presented Mayor and Council Communication No. C-19920 from the City Manager recommending that the City Council:

- 1. Authorize the transfer of \$68,857.82 from the Water and Sewer Fund to the Water Capital Project Fund in the amount of \$53,088.18 and the Sewer Capital Project Fund in the amount of \$15,769.64; and**
- 2. Adopt Appropriation Ordinance No. 15813 increasing estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$53,088.18 and the Sewer Capital Project Fund in the amount of \$15,769.64 from available funds for the purpose of funding an Engineering Agreement with BDS Technologies, Inc. for Water and Sanitary Sewer Replacement Contract 2003, STM-C; and**
- 3. Authorize the City Manager to execute an agreement with BDS Technologies, Inc. in the amount of \$67,357.82 for the design of Water and Sanitary Sewer Replacement Contract 2003, STM-C.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19921
Ord. #15814
American
Environmental
Specialties, Inc.**

There was presented Mayor and Council Communication No. C-19921 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to execute a contract with American Environmental Specialties, Inc. for asbestos abatement services in Hangars 6-10N at Fort Worth Meacham International Airport; and**
- 2. Approve the transfer of \$27,655.00 in undesignated funds in the Environmental Management Fund to the Environmental Management Project Fund; and**
- 3. Adopt Appropriation Ordinance No. 15814 increasing estimated receipts and appropriations in the Environmental Management Project Fund in the amount of \$27,655.00 from available funds, for the purpose of funding American Environmental Specialties, Inc. for asbestos abatement services at Fort Worth Meacham International Airport.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19922
Exhibit's
Building
Partnership**

There was presented Mayor and Council Communication No. C-19922 from the City Manager recommending that the City Council authorize the City Manager to enter into a consent agreement with Exhibit's Building Partnership authorizing use of Sanitary Sewer Easement for proposed encroachments for Hale's Shuck A Peel, Inc. It was the consensus of the City Council that the recommendation be adopted.

**C-19923
Parks for Play,
Inc.**

There was presented Mayor and Council Communication No. C-19923 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Parks for Play, Inc. in the amount of \$306,954.19 for the renovation of four playgrounds at Fairfax, Meadowood, Normandy Place, and Village Creek Parks. It was the consensus of the City Council that the recommendation be adopted.

**C-19924
Eagle
Construction &
Environmental
Services, L.P.**

There was presented Mayor and Council Communication No. C-19924 from the City Manager recommending that the City Council:

- 1. Rescind the contract award to Garner Environmental Services, Inc.; and**

2. Authorize the City Manager to execute a contract with Eagle Construction and Environmental Services, L.P. in the amount of \$103,527.00.

Council Member Haskin made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

C-19925
Premier
Communities,
Inc.

There was presented Mayor and Council Communication No. C-19925 from the City Manager recommending that the City Council authorization to execute a contract with Premier Communities, Inc. to manage the improvements and services in the Public Improvement District No. 6 during the remainder of FY2003-2004 for the sum of \$3,570.00 per month. Council Member Haskin made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried unanimously.

ZC-03-269
Approved

It appeared that the City Council, at its meeting of December 16, 2003, continued the hearing of the application of Koll Development for a change in zoning of property located in the 14400 block of Statler Boulevard from "D" High Density Multi-Family to "E" Neighborhood Commercial, Zoning Docket No. ZC-03-269. Mayor Moncrief asked if there was anyone present desiring to be heard.

Council Member Moss inquired if the sale of alcoholic beverages would be permitted at this development.

Bill Guthrey

Mr. Bill Guthrey, 8411 Preston Road #700, appeared before Council in support of the zoning change. He stated that this development had deed restrictions for office space only and that no retail development or alcoholic beverage sales would be allowed.

There being no one else present desiring to be heard in connection with the application of Koll Development, Council Member Moss made a motion, seconded by Mayor Pro tempore McCloud, that the Zoning Hearing be closed and that Zoning Docket No. ZC-03-269 be approved. The motion carried unanimously.

Zoning Hearing

It appeared to the City Council that the Notice of Public Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Commercial Recorder, the official newspaper of the City of Fort Worth, on December 17, 2003. Mayor Moncrief asked if there was anyone present desiring to be heard.

- ZC-03-288
Approved** Council Member Davis made a motion, seconded by Council Member Stevenson, that the application of City of Fort Worth Planning Department for a change in zoning of property located West 7th and University Drive from “E” Neighborhood Commercial, “FR” General Commercial Restricted, “F” General Commercial, “G” Intensive Commercial, “J” Medium Industrial, “PD-248” Planned Development for all uses in “G” Intensive Commercial plus apartments and “PD-464” Planned Development for all uses in “C” Medium Density Multi-Family to “MU-1” Low Intensity Mixed-Use and “MU-2” High Intensity Mixed-Use, Zoning Docket No. ZC-03-288, be approved. The motion carried unanimously.
- ZC-03-291
Approved** Council Member Davis made a motion, seconded by Council Member Stevenson, that the application of City of Fort Worth Planning Department for a change in zoning of properties located at 2813, 2821, 2825, 2833, 2901, 2908, 2909, & 2925 Crockett Street, 2824 and 2830 Morton Street and 2825 and 2921 West 7th Street from “J” Medium Industrial to “PD/SU” Planned Development/Specific Use for all uses in “MU-2” High Intensity Mixed-Use plus storage yard for building materials and outdoor products display (Waiver of site plan recommended), Zoning Docket No. ZC-03-291, be approved. The motion carried unanimously.
- ZC-03-303
Approved** Council Member Davis made a motion, seconded by Council Member Silcox, that the application of Baptist Foundation of Texas for a change in zoning of property located north of Heritage Trace Parkway, east of Harmon Road from “C” Medium Density Multi-Family to “E” Neighborhood Commercial, Zoning Docket No. ZC-03-303, be approved. The motion carried unanimously.
- ZC-03-305
SP-03-050
Approved
Jim Schell** Mr. Jim Schell, 901 Fort Worth Club, representing the applicant, appeared before Council in support of the zoning change. He stated that a revised site plan had been submitted and requested Council’s favorable consideration.
- Council Member Silcox made a motion, seconded by Council Member Stevenson, that the application of Leonard H. and Laurie Roberts for a change in zoning of property located at 4400 Overton Crest Drive from “A” One-Family to “PD/SU” Planned Development/Specific Use for all uses in “A-5” One-Family plus perimeter fencing and gates, Zoning Docket No. ZC-03-305 and Site Plan No. SP-03-050, be approved, with amended site plan. The motion carried unanimously.

ZC-03-319 Approved	<p>Council Member Davis made a motion, seconded by Council Member Stevenson, that the application of City of Fort Worth Planning Department for a change in zoning of property located north of Berry Street (between Stadium Drive and McCart Avenue), south of Berry Street (between Rogers Avenue and Forest Park Boulevard) and 3113 South University Drive from "B" Two-Family, "C" Medium Density Multi-Family, "ER" Neighborhood Commercial Restricted, "E" Neighborhood Commercial, "F" General Commercial, "CF" Community Facilities and "G" Intensive Commercial to "MU-1" Low Intensity Mixed-Use, "PD/MU-1" Planned Development/Low Intensity Mixed-Use increasing the height to 80 feet, or six stories, for the area at 3113 South University Drive and "PD/MU-2" Planned Development/High Intensity Mixed-Use for the area north Berry Street, Zoning Docket No. ZC-03-319, be approved. The motion carried unanimously.</p>
Public Hearing	<p>It appeared that the City Council set today as the date for a public hearing for the designation of the Berry/University area as a Neighborhood Empowerment Zone and Fort Worth Neighborhood Empowerment Reinvestment Zone. Mayor Moncrief asked if there was anyone present desiring to be heard.</p> <p>Mr. Elizee Michel, representing the Housing Department, appeared before Council, gave a staff report, called attention to Mayor and Council Communication No. G-14214 as follows:</p>
G-14214 Res. #3030 Ord. #15815 Designation of Berry/University Area as a Neighborhood Empowerment Zone & Fort Worth Neighborhood Empowerment Reinvestment Zone	<p>There was presented Mayor and Council Communication No. G-14214 from the City Manager recommending that the City Council:</p> <ol style="list-style-type: none">1. Adopt Resolution No. 3030 to designate the Berry/University area as a Neighborhood Empowerment Zone; and2. Hold a public hearing concerning the designation of the Berry/University area as Fort Worth Neighborhood Empowerment Reinvestment Zone No. 13; and3. Adopt Ordinance No. 15815 designating a certain area in the City of Fort Worth as "Neighborhood Empowerment Reinvestment Zone No. 13, City of Fort Worth, Texas"; providing the effective and expiration dates for the Zone and a mechanism for renewal of the Zone; and containing other matters related to the Zone.

There being no one present desiring to be heard in the public hearing concerning the designation of the Berry/University area as a Neighborhood Empowerment Zone and Fort Worth Neighborhood Empowerment Reinvestment Zone, Council Member Davis made a motion, seconded by Council Member Silcox, that the public hearing be closed and that Mayor and Council Communication No. G-14214 be adopted with the following amendments to Exhibit A of the ordinance.

- a. Page 1: Correct the four references to “McPhearson” to reflect “McPherson”
- b. Page 4: Delete “...southwest corner of Worth Hills park...” and replace with “...southwest corner of the portion of Worth Hills Park located north of Benbrook Boulevard...”

The motion carried unanimously.

**ZC-03-320
Approved, as
amended
SP-03-055
Continued until
January 20, 2004**

Mr. Riley stated that staff had recommended the portion of the zoning change reflecting “...‘PD/MU-2’ Planned Development to MU-2 High Intensity Mixed-Use standards...” and the site plan be removed from consideration and be continued until January 20, 2004.

Council Member Davis made a motion, seconded by Council Member Silcox, that the application of City of Fort Worth Planning Department for a change in zoning of property located east of Foch Street, south of Weisenberger Street, north of Stayton Street and west of Arthur Street from “D” High Density Multi-Family, “E” Neighborhood Commercial, “J” Medium Industrial, “K” Heavy Industrial and “PD-268” Planned Development for additional Parking to “MU-2” High Intensity Mixed-Use, Zoning Docket No. ZC-03-320 , be approved, as amended. The motion carried unanimously.

**ZC-03-321
Ord. #15816
Text
Amendment
Approved**

It appeared that the City Council set today as the date for a hearing for Zoning Docket No. ZC-03-321, Text Amendment regulating the development of townhouses in “H” Central Business District. Mayor Moncrief asked if there was anyone present desiring to be heard.

There being no one present desiring to heard in connection with the Text Amendment, Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the Zoning Hearing be closed, that Zoning Docket No. ZC-03-321 be approved with the following amendment:

- a. Page 3, 4.906C Property Development Standards, first paragraph: add second sentence to reflect "Development in this district shall be exempt from Chapter 6, Article 1, Sections 6.101B, 6.101C, 6.101E, and 6.101F."
- b. Page 3, C Nonresidential Districts Across Street from Residential Districts, first paragraph: add after "...Districts,..." "with the exception of the Central Business "H" District,..."

ORDINANCE NO. 15816

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 4, "DISTRICT REGULATION" AND CHAPTER 6, "DEVELOPMENT STANDARDS" TO EXEMPT THE CENTRAL BUSINESS ("H") DISTRICT FROM THE REAR, SIDE AND FRONT YARD SETBACKS; BY AMENDING CHAPTER 4, "DISTRICT REGULATIONS" SO THAT THE PURPOSE AND INTENT STATEMENT ACCURATELY REFLECTS ALLOWABLE USES; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

The motion carried unanimously.

**ZC-03-327
Withdrawn**

It was the consensus of the City Council that Zoning Docket No. ZC-03-327, the application of Ken Schaumburg for a change in zoning of property located at 959 and 961 Bluff Street and 409 North Henderson Street from "H" Central Business District to "MU-2" High Intensity Mixed-Use, be withdrawn.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 15817

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously.

Citizen
Presentations
James Lewis,
Lavina
Hernandez

Mr. James B. Lewis, 4505 French Lake Drive, and Ms. Lavina Hernandez, 4404 Odessa Avenue, appeared before Council and expressed their dissatisfaction relative to trash collection.

The following individuals appeared before Council and requested the City of Fort Worth amend the taxicab ordinance to increase the age of the vehicles from five years to six years:

Joseph
Quagraine,
Nicholas
Nmawokwe,
Beltoe S. Pedro,
Ernest Cary,
Mohamed Turay

Mr. Joseph Quagraine
Mr. Nicholas Nmawokwe
Mr. Beltoe S. Pedro
Mr. Ernest Cary
Mr. Mohamed Turay

2544 Clovermeadow Dr.
2316 Fair Oaks Dr., Arlington, TX
7103 Ederville Rd.
1005 Schiffier
2306 Vaugh Blvd.

Adjournment

There being no further business, the meeting was adjourned at 8:40 p.m.

CITY SECRETARY

MAYOR